

# Notice of Allowability

Application No.

10/730,297

Examiner

Michael G. Bogart

Applicant(s)

ROMANO ET AL.

Art Unit

3761

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview dated 24 September 2007.
2. ☒ The allowed claim(s) is/are 4-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 24 September 2007.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jack Romano on 24 September 2007.

The application has been amended as follows:

In the specification at page 10, line 23, replace "int rposed" with --interposed--.

Replace claim 5 with the following:

--A supply chain method comprising,

a) providing an aseptic/sterile liquid said liquid sealed in a container at manufacturing said manufacturing being adapted to provide a predetermined sterility assurance level said container being adapted to be filled and sealed for enclosing said liquid in said container said containing having a neck portion, said neck portion to include an outwardly extending surface, said surface being adapted to provide a sealed connection, said container being adapted to provide said liquid for consumption said seal being adapted to be unsealed to allow egress of said liquid from said container by pouring,

b) establishing a supplies conversion said container being adapted to be disassociated from said consumption said container being adapted to be converted to provide a sealed vacuum draw path said draw path being adapted to seal vacuum forces between a vacuum and an open end sealed path said forces being adapted to be drawn into and out

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of a neck portion of said container said container interposed between said vacuum and said open end said path being adapted to exchange draw forces through said neck portion said container being adapted to receive fluent waste material said material drawn by said forces said forces being adapted to be contained along said path, said path to include integration with a waste collection system, said container being adapted to be connected with said system, said system to include said forces, said system to include said path, said system to include at least a container portion, said portion being adapted to be disposed within said path,

c) unsealing said path by disconnecting said container from said draw path said container being adapted to be resealed for containment and disposal and transfer of fluent waste material said container being adapted to be recycled.--

Replace claim 7 with the following:

--A supply chain method comprising,

a) providing a waste collection and disposal container said container manufactured having an aseptic/sterile liquid therein hermetically sealed to a predetermined sterility assurance level said container having a neck, said neck being adapted to include an outwardly extending surface, said neck being adapted to provide a seal connection, said container being adapted to be unsealed for consumption egress said aseptic/sterile liquid intended for egressing use related with said consumption,

b) establishing a supplies waste container conversion said container being adapted to be disassociated from said consumption said container conversion provided in preparation for fluent waste material ingress utility said container being adapted to seal a vacuum draw path said draw path being adapted to seal vacuum draw forces said forces being adapted to be drawn between a

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vacuum and an open draw path inlet said container being interposed between said inlet and said vacuum said forces being adapted to be drawn away from and toward said container said seal being adapted to provide said path to direct said forces and said waste materials from said inlet toward said vacuum said seal being adapted to draw said vacuum forces and said material toward said container said vacuum being adapted to provide material ingress into said waste collection container said draw forces being adapted to be provided by said vacuum along said path, said forces being adapted to be contained;

c) resealing said waste container for containment of said waste material said container being adapted to be removed and transferred for disposal of said waste material said container being adapted to be separated from said waste material said container being adapted for recycling.—

In claim 30, line 1, after “blow”, replace “ill” with --fill--.

### *Drawings*

The drawings filed on 08 December 2003 are acceptable subject to correction of the informalities indicated below. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

The drawings are objected to because they contain multiple minor informalities such as uneven lines, some reference numbers are unclear, etc.

## **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (571) 272-4933.

In the event the examiner is not available, the Examiner's supervisor, Tatyana Zalukaeva may be reached at phone number (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for formal communications. For informal communications, the direct fax to the Examiner is (571) 273-4933.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center.(EBC) at 866-217-9197 (toll-free).

  
Michael Bogart  
24 September 2007

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

